

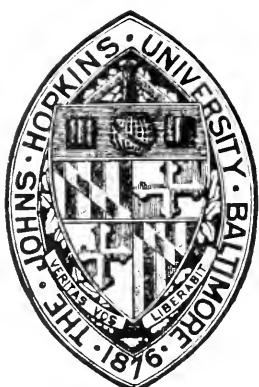
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S P E E C H

O F T H E

HON. JEFFERSON DAVIS,

Of Mississippi,

D E L I V E R E D I N T H E

U N I T E D S T A T E S S E N A T E,

On the 10th day of January, 1861,

U P O N T H E

Message of the President of the United States,

O N T H E

Condition of Things in South Carolina.



BALTIMORE . . . PRINTED BY JOHN MURPHY & Co.

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Mr. DAVIS. Mr. President, when I took the floor yesterday, I intended to engage somewhat in the argument which has heretofore prevailed in the Senate upon the great questions of constitutional right, which have divided the country from the beginning of the government. I intended to adduce some evidences, which I thought were conclusive, in favor of the opinions which I entertain; but events, with a current hurrying on as it progresses, have borne me past the point where it would be useful for me to argue the question of rights by citing authority. To day, therefore, it is my purpose to deal with events. Abstract argument has become among the things that are past. We have to deal now with facts; and in order that we may meet those facts, and apply them to our present condition, it is well to inquire what is the state of the country. The Constitution provides that the President shall, from time to time, communicate information on the state of the Union. The message which is now under consideration gives us very little, indeed, beyond that which the world, less, indeed, than reading men generally, knew before it was communicated.

What, senators, to-day is the condition of the country? From every quarter of it comes the wailing cry of patriotism, pleading for the preservation of the great inheritance we derived from our fathers. Is there a senator who does not daily receive letters, appealing to him to use even the small power which one man here possesses to save the inheritance our fathers gave us? Tears now trickle down the stern face of man; and those who have bled for the flag of their country, and are willing now to die for it, stand powerless before the plea that the party about to come into power laid down a platform, and that come what will, though ruin stare us in the face, consistency must be adhered to, even if the Government be lost.

In this state of the case, then, we turn to ask, what is the character of the Administration? What is the executive department doing? What assurance have we there for the safety of the country? But we come back from that inquiry with a mournful conviction that feeble hands now hold the reins of State; that drivellers are taken in as counselors not provided by the Constitution; that vacillation is the law; and the policy of this great Government is changed with every changing rumor of the day; nay more, it is changing with every new phase of causeless fear. In this state of the case, after complications have been introduced into the question, after we were brought to the verge of war, after we were hourly expecting by telegraph to learn that the conflict had commenced, after nothing had been done to insure the peace of the land, we are told in this last hour that the question is thrown at the door of Congress, and here rests the responsibility.

Had the garrison at Charleston, representing the claim of the Government to hold the property in a fort there, been called away thirty days, nay, ten days ago, peace would have spread its pinions over this land, and calm negotiation would have been the order of the day. Why was it not recalled? No reason has yet been offered, save that the Government is bound to preserve its property; and yet look from North to South, from East to West, wherever we have constructed forts to defend States against a foreign foe, and everywhere you find them without a garrison, except at a few points where troops are kept for special purposes; not to coerce or to threaten a State, but stationed in sea-coast fortifications there merely for the purposes of discipline and instruction as artillers. You find all the other forts in the hands of fort keepers and ordinance sergeants, and, before a moral and patriotic people, standing safely there as the property of the country.

I asked in this Senate weeks ago, "what causes the peril that is now imminent at Fort Moultrie; is it the weakness of the garrison?" and then I answered, "no; it is its presence, not its weakness." Had an ordinance sergeant there represented the Federal Government, had there been no troops, no physical power to protect it, I would have pledged my life upon the issue, that no question ever would have been made as to its seizure. Now, not only there, but elsewhere, we find movements of troops further to complicate this question, and probably to precipitate us upon the issue of civil war; and, worse than

all, this Government, reposing on the consent of the governed: this Government, strong in the affections of the people; this Government—I describe it as our fathers made it, is now furtively sending troops to occupy positions lest “the mob” should seize them. When before, in the history of our land, was it that a mob could resist the sound public opinion of the country? When before was it that an unarmed magistrate had not the power, by crying, “I command the peace,” to quell a mob in any portion of the land? Yet now we find, under cover of night, troops detached from one position to occupy another. Fort Washington, standing in its lonely grandeur, and overlooking the home of the Father of his Country, near by the place where the ashes of Washington repose, built there to prevent a foreign foe from coming up the Potomac with armed ships to take the capital—Fort Washington is garrisoned by marines sent secretly away from the navy-yard at Washington. And Fort McHenry, memorable in our history as the place where, under bombardment, the star-spangled banner floated through the darkness of night, the point which was consecrated by our national song—Fort McHenry, too, has been garrisoned by a detachment of marines, sent from this place in an extra train, and sent under cover of the night, so that even the mob should not know it.

Senators, the responsibility is thrown at the door of Congress. Let us take it. It is ours—tis our duty in this last hour—to seize the pillars of our Government and uphold them, though we be crushed in the fall. Then what is our policy? Are we to drift into war? Are we to stand idly by and allow war to be precipitated upon the country? Allow an officer of the army to make war? Allow an unconfirmed head of a department to make war? Allow a general of the army to make war? Allow a President to make war? No, sir. Our fathers gave to Congress the power to declare war, and even to Congress they gave no power to make war upon a State of the Union. It could not have been given, except as a power to dissolve the Union. When, then, we see, as is evident to the whole country, that we are drifting into a war between the United States and an individual State, does it become the Senate to sit listlessly by and discuss abstract questions, and read patchwork from the opinions of men now mingled with the dust? Are we not bound to meet events as they come before us, manfully and patriotically, to struggle with the difficulties which now oppress the country?

In the message yesterday we were told that the District of Columbia was in danger. In danger of what? From whom comes the danger? Is there a man here who dreads that the deliberations of this body are to be interrupted by an armed force? Is there one who would not prefer to fall with dignity at his station, the representative of a great and peaceful government, rather than to be protected by armed bands? And yet the rumor is—and rumors seem now to be so authentic that we credit them rather than other means of information—that companies of artillery are to be quartered in this city to preserve peace where the laws have heretofore been supreme, and that this District is to become a camp, by calling out every able-bodied man within its limits to bear arms under the militia law. Are we invaded? Is there an insurrection? Are there two Senators here who would not be willing to go forth as a file, and put down any resistance which showed itself in this District against the Government of the United States? Is the reproach meant against these, my friends from the South, who advocate Southern rights and State rights? If so, it is a base slander. We claim our rights under the Constitution; we claim our rights reserved to the States; and we seek no brute force to gain any advantage which the law and the Constitution does not give us. We have never appealed to mobs. We have never asked for the army and navy to protect our rights. On the soil of Mississippi not the foot of a Federal soldier has been pressed since 1819, when, flying from the yellow fever, they sought refuge within the limits of our State; and on the soil of Mississippi there breathes not a man who asks for any other protection than that which our Constitution gives us, that which our strong arms afford, and the brave hearts of our people will insure in every contingency.

Senators, we are rapidly drifting into a position in which this is to become a Government of the army and navy; in which the authorities of the United States is to be maintained, not by law, not by constitutional agreement between the States, but by physical force; and will you stand still and see this policy consummated? Will you fold your arms, the degenerate descendants of those men who proclaimed the eternal principle that government rest on the consent of the governed; and that every people have a right to change, modify, or abolish a government when it ceases to answer the end for which it was established, and permit this Government imperceptibly to slide from the moorings where it was originally anchored, and become a military despotism? It was well said by the Senator from New York, whom I do not now see in his seat, [Mr. SEWARD.] well said in a speech wherein I found but little to commend, that this Union could not be maintained by force, and that a Union of force was a despotism. It was a great truth, come from what quarter it may. That was not the Government instituted by our fathers; and against it, so long as I live, with heart and hand, I will rebel.

This brings me to consider a passage in the message, which says:

"I certainly had no right to make aggressive war upon any State; and I am perfectly satisfied that the Constitution has wisely withheld that power even from Congress;"—

Very good—

"but the right and the duty to use military force defensively against those who resist the Federal officers in the execution of their legal functions, and against those who assalt the power of the Federal Government, is clear and undeniable."

Is it so? Where does he get it? Our fathers were so jealous of a standing army, that they scarcely would permit the organization and maintenance of any army. Where does he get the "clear and undeniable" power to use the force of the United States in the manner he there proposes? To execute a process, troops may be summoned as a *posse comitatus*; and here, in the history of our Government, it is not to be forgotten that in the earlier, and, as it is frequently said, the better days of the Republic—and painfully we feel that they were better indeed—a President of the United States did not recur to the army: he went to the people of the United States. Vaguely and confusedly, indeed, did the Senator from Tennessee [Mr. JOHNSON] bring forward the case of the great man, Washington, as one in which he had used a power which, he argued, was equivalent to the coercion of a State; for he said that Washington used the military power against a portion of the people of a State; and why might he not as well have used it against the whole State? Let me tell that Senator that the case of General Washington has no application, as he supposes. It was a case of insurrection within the State of Pennsylvania; and the very message from which he read communicated the fact that Governor Mifflin thought it necessary to call the militia of adjoining States to aid him. President Washington co-operated with Governor Mifflin; he called the militia of adjoining States to co-operate with those of Pennsylvania. He used the militia, not the standing army. It was by the consent of the Governor; it was by his advice. It was not the invasion of the State; it was not the coercion of the State; but it was aiding the State to put down insurrection, and in the very manner provided for in the Constitution itself.

But, I ask again, what power has the President to use the army and the navy except to execute process? Are we to have drum-head courts substituted for those which the Constitution and laws provide? Are we to have sergeants sent over the land instead of civil magistrates? Not so thought the elder Adams: and here, in passing, I will pay him a tribute he deserves as the one to whom more than any other man among the early founders of this Government—credit is due for the military principles which prevail in its organization. Associated with Mr. Jefferson originally, in preparing the rules and articles of war, Mr. Adams reverted through the long pages of history back to the republic of Rome, and drew from that foundation the rules and articles of war which govern in our country to-day, and drew them thence because he said they had brought two nations to the pinnacle of glory—referring to the Romans and the Britons whose military law was borrowed from them. Mr. Adams, however, when an insurrection occurred in the same State of Pennsylvania, not only relied upon the militia, but his orders, through Secretary McHenry, required that the militia of the vicinage should be employed: and, though he did order mounted troops from Philadelphia, he required the militia of the northern counties to be employed as long as they were able to execute the laws; and the orders given to Colonel McPherson, then in New Jersey, were, that Federal troops should not go across the Jersey line except in the last resort. I say, then, when we trace our history to its early foundation, under the first two Presidents of the United States, we find that this idea of using the army and the navy to execute the laws at the discretion of the President, was one not even entertained, still less acted upon, in any case.

Then, Senators, we are brought to consider passing events. A little garrison in the harbor of Charleston now occupies a post which, I am sorry to say, it gained by the perfidious breach of an understanding between the parties concerned; and here, that I may do justice to one who has not the power on this floor, at least, to right himself—who has no friend here to represent him—let me say that remark does not apply to Major Anderson; for I hold that, though his orders were not so designed, as I am assured, they did empower him to go from one post to another, and to take his choice of the posts in the harbor of Charleston; but, in so doing, he committed an act of hostility. When he dismantled Fort Moultrie, when he burned the carriages and spiked the guns bearing upon Fort Sumter, he put Carolina in the attitude of an enemy of the United States; and yet he has not shown any just cause for apprehension. Vague rumors had reached him, and causeless fear seems now to be the impelling motive of every public act—vague rumors of an intention to take Fort Moultrie. But, sir, a soldier should be confronted by an overpowering force before he spikes his guns, and burns their carriages. A soldier should be confronted by a public enemy, before he destroys the property of the United States, lest it should fall into the hands of such an enemy. Was that fort built to make war upon Carolina? Was an armament put into it for such a purpose? Or was it built for the

protection of Charleston harbor; and was it armed to make that protection complete? If so, what right had any soldier to destroy that armament, lest it should fall into the hands of Carolina?

Some time since I presented to the Senate resolutions which embodied my views upon this subject, drawing from the Constitution itself the data on which I based those resolutions. I then invoked the attention of the Senate in that form to the question as to whether garrisons should be kept within a State against the consent of that State. Clear was I then, as I am now, in my conclusion. No garrison should be kept within a State during a time of peace, if the State believes the presence of that garrison to be either offensive or dangerous. Our army is maintained for common defence; our forts are built out of the common treasury, to which every State contributes; and they are perverted from the purpose for which they were erected, whenever they are garrisoned with a view to threaten, to intimidate, or to control a State in any respect.

Yet we are told this is no purpose to coerce a State: we are told that such a power does not exist; but the senator from Tennessee [Mr. JOHNSON] says it is only a power to coerce individuals; and the senator from Ohio [Mr. WADE] seems to look upon this latter power as a very harmless one in the hands of the President, though such coercion would be to destroy the State. What is a State? Is it land and houses? Is it taxable property? Is it the organization of the local government? Or is it all these combined, with the people who possess them? Destroy the people, and yet not make war upon the State! To state the proposition is to answer it, by reason of its very absurdity. It is like making desolation, and calling it peace.

There being, as it is admitted on every hand, no power to coerce a State, I ask what is the use of a garrison within a State where it needs no defence? The answer from every candid mind must be, there is none. The answer from every patriotic breast must be, peace requires, under all such circumstances, that the garrison should be withdrawn. Let the Senate to-day, as the responsibility is thrown at our door, pass those resolutions, or others which better express the idea contained in them, and you have taken one long step towards peace—one long stride towards the preservation of the government of our fathers.

The President's Message of December, however, had all the characteristics of a diplomatic paper, for diplomacy is said to abhor certainty, as nature abhors a vacuum; and it was not within the power of man to reach any fixed conclusion from that Message. When the country was agitated, when opinions were being formed, when we were drifting beyond the power ever to return, this was not what we had a right to expect from the Chief Magistrate. One policy or the other he ought to have taken. If a federalist, if believing this to be a Government of force, if believing it to be a consolidated mass, and not a confederation of States, he should have said: no State has a right to secede; every State is subordinate to the Federal Government, and the Federal Government must empower me with physical means to reduce to subjugation the State asserting such a right. If not, if a State-rights man and a democrat—as for many years it has been my pride to acknowledge our venerable Chief Magistrate to be—then another line of policy should have been taken. The Constitution gave no power to the Federal Government to coerce a State; the Constitution gave an army for the purposes of common defence, and to preserve domestic tranquility; but the Constitution never contemplated using that army against a State. A State exercising the sovereign function of secession is beyond the reach of the Federal Government, unless we woo her with the voice of fraternity, and bring her back by the enticements of affection. One policy or the other should have been taken, and it is not for me to say which, though my opinion is well known: but one policy or the other should have been pursued. He should have brought his opinion to one conclusion or another, and to-day our country would have been safer than it is.

What is the Message before us? Does it benefit the case? Is there a solution offered here? We are informed in it of propositions made by commissioners from South Carolina. We are not informed even as to how they terminated. No countervailing proposition is presented; no suggestion is made. We are left drifting loosely without chart or compass.

There is in our recent history, however, an event which might have suggested a policy to be pursued. When foreigners, having no citizenship within the United States, declared war against us, and made war upon us; when the inhabitants of a Territory, disgraced by institutions offensive to the law of every State of the Union, held this attitude of rebellion; when the Executive there had power to use troops, he first sent commissioners of peace to win them back to their duty. When South Carolina, a sovereign State, resumes the grants she had delegated; when South Carolina stands in an attitude which threatens within a short period to involve the country in a civil war, unless the policy of the Government be changed—no suggestion is made to us that this Government might send commissioners to her; no suggestion is made to us that better information

should be sought; there is no policy of peace, but we are told the army and the navy are in the hands of the President of the United States to be used "against those who assail the power of the Federal Government."

Then, my friends, are we to allow events to drift onward to this fatal consummation? Are we to do nothing to restore peace? Shall we not, in addition to the proposition I have already made, to withdraw the force which complicates the question, send commissioners there in order that we may learn what this community desire, what this community will do, to put the two governments upon friendly relations?

I will not weary the Senate by going over the argument of coercion. My friend from Ohio [Mr. PUGH] I may say, has exhausted the subject. I thank him, because it came appropriately from one not identified by his position with South Carolina. It came more effectively from him than it would have done from me, had I, as I have not, the power to present it as forcibly as he has done. Sirs, let me say, among the painful reflections which have crowded upon me by day and by night, none have weighed more heavily upon my heart than the reflection that our separation severs the ties which have so long bound us to our Northern friends, of whom we are glad to recognise the Senator as a type.

Now let us return a moment to consider what would have been the state of the case if the garrison at Charleston had been withdrawn. The fort would have stood there—not dismantled, but unoccupied. It would have stood there in the hands of an ordnance sergeant. Commissioners would have come to treat of all questions with the Federal Government, of those forts as well as others. They would have remained there to answer the ends for which they were constructed—the ends of defence. If South Carolina was an independent State, then she might hold to us such a relation as Rhode Island held after the dissolution of the Confederation and before the formation of the Union, when Rhode Island appealed to the sympathies existing between the States connected in the struggles of the Revolution, and asked that a commercial war should not be waged upon her. These forts would have stood there then to cover the harbor of a friendly State; and if the feeling which once existed among the people of the States had subsisted still, and that fort had been attacked, brave men from every section would have rushed to the rescue, and there imperilled their lives in the defence of a State identified with their early history, and still associated in their breasts with affection: and the first act of this kind would have been one appealing to every generous motive of those people again to reconsider the question of how we could live together, and through that bloody ordeal to have brought us into the position in which our fathers left us. There could have been no collision: and there was, there could have been, no question of property which that State was not ready to meet. If it was a question of dollars and cents, they came here to adjust it. If it was a question of covering an interior State, their interests were identical. In whatever way the question could have been presented, the consequence would have been to relieve the Government of the charge of maintaining the fort, and to throw it upon the State which had resolved to be independent.

Thus we see that no evil could have resulted. We have yet to learn what evil the opposite policy may bring. Telegraphic intelligence, by the man who occupied the seat on the right of me in the old chamber, was never relied on. He was the wisest man I ever knew—a man whose prophetic vision foretold all the trials through which we are now passing; whose clear intellect, elaborating everything, borrowing nothing from anybody, seemed to dive into the future, and to unveil those things which are hidden to other eyes. Need I say I mean Calhoun? No other man than he would have answered this description. I say, then, not relying upon telegraphic despatches, we still have information enough to notify us that we are on the verge of civil war; that civil war is in the hands of men irresponsible, as it seems to us; their acts unknown to us; their discretion not covered by any existing law or usage; and as we now have the responsibility thrown upon us, that justifies us in demanding information to meet an emergency in which the country is involved.

Is there any point of pride which prevents us from withdrawing that garrison? I have heard it said by a gallant gentleman, to whom I make no special reference, that the great objection was an unwillingness to lower the flag. To lower the flag! Under what circumstances? Does any man's courage impel him to stand boldly forth to take the life of his brethren? Does any man insist upon going upon the open field with deadly weapons to fight his brother on a question of courage? There is no point of pride. These are your brethren; and they have shed as much glory upon that flag as any equal number of men in the Union. They are the men by whom, and that is the locality, where the first Union flag was unfurled, and where a gallant battle was fought before our independence was declared—not the flag with thirteen stripes and thirty-three stars, but a flag with a cross of St. George, and the long stripes running through it. When the gallant Moultrie took the British Fort Johnson, and carried it, for the first time I be-

lieve did the Union flag fly in the air; and that was in October, 1775. When he took the position and threw up a temporary battery with palmetto logs and sand, upon the site called Fort Moultrie, that fort was assailed by the British fleet, and bombarded until the old logs, clinging with stern tenacity to the enemy that assailed them, were filled with balls; the flag still floated there, and, though many bled, the garrison conquered. Those old logs are gone; the eroding current has taken away the site where old Fort Moultrie stood; the gallant men who held it, now mingle with the earth; but their memories live in the hearts of a gallant people, and their sons yet live, and, like their fathers, are ready to bleed and to die for the cause in which their fathers bled and triumphed. Glorious are the memories clinging around that old fort which now, for the first time, has been abandoned—abandoned not even in the presence of a foe, but under the imaginings that a foe might come; and guns spiked and carriages burned where the band of Moultrie bled, and, with an insufficient armament, repelled the common foe of all the colonies. Her ancient history compares proudly with the present.

Can there, then, be a point of pride upon so sacred a soil as this, where the blood of the fathers cries to Heaven against civil war? Can there be a point of pride against laying upon that sacred soil to-day the flag for which our fathers died? My pride, senators, is different. My pride is that that flag shall not be set between contending brothers, and that, when it shall no longer be the common flag of the country, it shall be folded up and laid away like a vesture no longer used; that it shall be kept as a sacred memento of the past, to which each of us can make a pilgrimage, and remember the glorious days in which we were born.

In the answer of the commissioners, which I caused to be read yesterday, I observed that they referred to Fort Sumter as remaining a memento of Carolina faith. It is an instance of the accuracy of the opinion which I have expressed. It stood without a garrison. It commanded the harbor, and the fort was known to have the armament in it capable of defence. Did the Carolinians attack it? Did they propose to seize it? It stood there safe as public property; and there it might have stood to the end of the negotiation without a question, if a garrison had not been sent into it. It was the faith on which they relied, that the Federal Government would take no position of hostility to them, that constituted its safety, and by which they lost the advantage they would have had in seizing it when unoccupied. I think that something is due to faith as well as fraternity; and I think one of the increasing and accumulative obligations upon us to withdraw the garrison from that fort is the manner in which it was taken--taken, as we heard by the reading of the paper yesterday, while Carolina remained under the assurance that the *status* would not be violated; while I was under that assurance, and half a dozen other senators now within the sound of my voice felt secure under the same pledge, that nothing would be done until negotiations had terminated, unless it was to withdraw the garrison. Then we, the Federal Government, broke the faith; we committed the first act of hostility; and from this first act of hostility arose all those acts to which reference is made in the message as unprovoked aggressions—the seizing of forts elsewhere. Why were seized? Self-preservation is the first law of nature; and when they no longer had confidence that this Federal Government would not seize the forts constructed for their defence, and use them for their destruction, they only obeyed the dictates of self-preservation when they seized the forts to prevent the enemy from taking possession of them as a means of destruction, for they then were compelled to believe this Federal Government had become an enemy.

Now, what is the remedy? To assure them that you do not intend to use physical force against them is your first remedy; to assure them that you intend to consider calmly all the propositions which they make, and to recognize the rights which the Union was established to secure, that you intend to settle with them upon a basis in accordance with the Declaration of Independence and the Constitution of the United States. When you do that, peace will prevail over the land, and force become a thing that no man will consider necessary.

I am here confronted with a question which I will not argue. The position which I have taken necessarily brings me to its consideration. I will merely state it. It is the right of a State to withdraw from the Union. The President says it is not a constitutional right. The senator from Ohio, [Mr. WADE.] and his ally, the senator from Tennessee, argued it as no right at all. Well, let us see. What is meant by a constitutional right? Is it meant to be a right derived from the Constitution—a grant made in the Constitution? If that is what is meant, of course we all see at once we do not derive it in that way. Is it intended that it is not a constitutional right, because it is not granted in the Constitution? That shows, indeed, but a poor appreciation of the nature of our Government. All that is not granted in the Constitution belongs to the States; and nothing but what is granted in the Constitution belongs to the Federal Government; and, keeping this distinction in view, it requires but little argument to see the conclusion

at which we necessarily arrive. Did the States surrender their sovereignty to the Federal Government? Did the States agree that they never could withdraw from the Federal Union?

I know it has been argued here that the Confederation said the articles of Confederation were to be a perpetual bond of Union, and that the Constitution was made to form a more perfect Union; that is to say, a government beyond perpetuity, or one day, or two or three days after doomsday. But that has no foundation in the Constitution itself; it has no basis in the nature of our Government. The Constitution was a compact between independent States; it was not a National Government; and hence Mr. Madison answered with such effectiveness to Patrick Henry, in the convention of Virginia, which ratified the Constitution, denying his proposition that it was to form a nation, and stating to him the conclusive fact that "we sit here as a convention of the State to ratify or reject that Constitution, and how then can you say that it forms a nation, and is adopted by the mass of the people?" It was not adopted by the mass of the people, as we all know, historically; it was adopted by each State; each State voluntarily ratifying it, entered the Union; and that Union was formed whenever nine States should enter it; and, in abundance of caution, it was stated in the resolutions of ratification of three of the States, that they still possessed the power to withdraw the grants which they had delegated whenever they should be used to their injury or oppression. I know it is said that this meant the people of all the States; but that is such an absurdity that I suppose it hardly necessary to answer it. To speak of an elective government rendering itself injurious and oppressive to the whole body of the people by whom it is elected is such an absurdity, that no man can believe it; and to suppose that a State convention, speaking for a State, having no authority to speak for anybody else, would say that it was declaring what the people of the other States would do, would be an assumption altogether derogatory to the sound sense and well-known sentiments of the men who formed the Constitution and ratified it.

But in abundance of caution not only was this done, but the tenth amendment of the Constitution declared that all which had not been delegated was reserved to the States or to the people. Now, I ask where among the delegated grants to the Federal Government do you find any power to coerce a State; where among the provisions of the Constitution do you find any prohibition on the part of a State to withdraw; and if you find neither one nor the other, must not this power be in that great depository, the reserved rights of the States? How was it ever taken out of that source of all power to the Federal Government? It was not delegated to the Federal Government; it was not prohibited by the States; it necessarily remains, then, among the reserved powers of the States.

This question has been so forcibly argued by the senator from Louisiana, [Mr. BENJAMIN,] that I think it unnecessary to pursue it. Three times the proposition was made to give power to coerce a State, in the convention, and as often refused; opposed as a proposition to make war on a State, and refused on the ground that the Federal Government could not make war upon a State. The Constitution was to form a government for such States as should unite; it had no application beyond those who should voluntarily adopt it. Among the delegated powers there is none which interferes with the exercise of the right of secession by a State. As a right of sovereignty it remained to the States under the Confederation; and if it did not, you arraign the faith of the men who framed the Constitution to which you appeal, for they provided that nine States could secede out of thirteen. Eleven out of the thirteen did secede, and put themselves in the very position which, by a great abuse of language, is to-day called treason against the two States of North Carolina and Rhode Island, they still claiming to adhere to the perpetual Articles of Confederation, these eleven States absolving themselves from the obligations which arose under them.

The senator from Tennessee, to whom I must refer again—and I do so because he is a southern senator, taking the most hostile ground against us—refers to the State of Tennessee, and points to the time when that State may do those things which he has declared it an absurdity for any State to perform. I will read a single paragraph from his speech, showing what his language is, in order that I may not, by any possibility, produce an impression upon others which his language does not justify. Here are the expressions to which I refer. I call the senator's attention to them:

"If there are grievances, why cannot we all go together, and write them down, and point them out to our Northern friends after we have agreed on what those grievances were, and say, 'here is what we demand; here our wrongs are enumerated; upon these terms we have agreed; and now, after we have given you a reasonable time to consider these additional guarantees in order to protect ourselves against these wrongs, if you refuse them, then, having made an honorable effort—having exhausted all other means—we may declare the association to be broken up, and we may go into an act of revolution?' We can then say to them, 'you have refused to give us guarantees that we think are needed for the protection of our institutions and for the protection of our other interests.' When they do this, I will go as far as he who goes the furthest."

Now, it does appear that he will go that far; and he goes a little further than anybody, I believe, who has spoken in vindication of the right, for he says:

"We do not intend that you shall drive us out of this house that was reared by the hands of our fathers. It is our house. It is the constitutional house. We have a right here; and because you come forward and violate the ordinances of this house, I do not intend to go out; and if you persist in the violation of the ordinances of the house, we intend to eject you from the building and retain the possession ourselves."

I wonder if this is what caused the artillery companies to be ordered here, and the militia of this city to be organized. I think it was a mere figure of speech. I do not believe the senator from Tennessee intended to kick you out of the house; and if he did, let me say to you, in all

sincerity, we who claim the constitutional right of a State to withdraw from the Union, do not intend to help him. He says, however, and this softens it a little:

"We do not think, though, that we have just cause for going out of the Union now. We have just cause of complaint but we are for remaining in the Union, and fighting the battle like men?"

What does that mean? In the name of common sense, I ask how are we to fight in the Union? We take an oath of office to maintain the Constitution of the United States. The Constitution of the United States was formed for domestic tranquility; and how, then, are we to fight in the Union? I have heard the proposition from others, but I have not understood it. I understand how men fight when they assume attitudes of hostility; but I do not understand how men remaining connected together in a bond as brethren, sworn to mutual aid and protection, still propose to fight each other. I do not understand what the senator means. If he chooses to answer my question I am willing to hear him, for I do not understand how we are to fight in the Union.

Mr. JOHNSON, of Tennessee. When my speech is taken altogether, I think my meaning can be very easily understood. What I mean by fighting the battle in the Union, is, I think, very distinctly and clearly set forth in my speech; and if the senator will take it from beginning to end, I apprehend that he will have no difficulty in ascertaining what I meant. But, for his gratification upon this particular point, I will repeat, in substance, what I then said as to fighting the battle in the Union. I meant that we should remain here under the Constitution of the United States, and contend for all its guarantees; and by preserving the Constitution and all its guarantees we would preserve the Union. Our true place to maintain these guarantees, and to preserve the Constitution, is in the Union, there to fight our battle. How? By argument; by appeals to the patriotism, to the good sense, and to the judgment of the whole country; by showing the people that the Constitution had been violated; that all its guarantees were not complied with; and I have entertained the hope that when they were possessed of that fact, there would be found patriotism and honesty enough in the great mass of the people, North and South, to come forward and do what was just and right between the contending sections of the country. I meant that the true way to fight the battle was for us to remain here and occupy the places assigned to us by the Constitution of the country. Why did I make that statement? It was because, on the 4th day of March next, we shall have six majority in this body; and if, as some apprehended, the incoming administration shall show any disposition to make encroachments upon the institution of slavery, encroachments upon the rights of the States, or any other violation of the Constitution, we, by remaining in the Union, and standing at our places, will have the power to resist all these encroachments. How? We have the power even to reject the appointment of the Cabinet officers of the incoming President. Then, should we not be fighting the battle in the Union, by resisting even the organization of the Administration, in a constitutional mode; and thus, at the very start, disable an Administration which was likely to encroach on our rights and to violate the Constitution of the country?

So far as appointing even a minister abroad is concerned, the incoming Administration will have no power, without our consent, if we remain here. It comes into office handcuffed—powerless to do harm. We, standing here, hold the balance of power in our hands; we can resist it at the very threshold, effectually, and do it inside of the Union, and in our house. The incoming Administration has not even the power to appoint a post-master whose salary exceeds \$1,000 a year without consultation with, and the acquiescence of, the Senate of the United States. The President has not even the power to draw his salary—his \$25,000 per annum—unless we appropriate it. I contend, then, that the true place to fight the battle is in the Union, and within the provisions of the Constitution. The army and navy cannot be sustained without appropriations by Congress, and if we were apprehensive that encroachments would be made on the Southern States and on their institutions in violation of the Constitution, we could prevent him from having a dollar even to feed his army or his navy.

Mr. DAVIS. I receive the answer of the senator, and I think I comprehend now that he is not going to use any force, but it is a sort of fighting that is to be done by votes and not words; and I think, therefore, the President need not bring artillery and order out the militia to suppress them. I think, altogether, we are not in danger of much bloodshed in the mode proposed by the senator from Tennessee.

Mr. JOHNSON, of Tennessee. I was not quite done; but if the senator is satisfied—

Mr. DAVIS. Quite satisfied. I am entirely satisfied that the answer of the senator shows me he did not intend to fight at all; that it was a mere figure of speech, and does not justify converting the Federal capital into a military camp. But it is a sort of revolution which he proposes; it is a revolution under the forms of the Government. Now, I have to say, once for all, that as long as I am a senator here I will not use the powers I possess to destroy the very Government to which I am accredited. I will not attempt, in the language of the senator, to handcuff the President. I will not attempt to destroy the Administration by refusing any officers to administer its function. I should vote, as I have done to administrations to which I stood in nearest relation, against a bad nomination; but I never would agree, under the forms of the Constitution, and with the powers I bear as a senator of the United States, to turn those powers to the destruction of the Government I was sworn to support. I leave

that to gentlemen who take the oath with a mental reservation. It is not my policy. If I must have revolution, I say let it be a revolution such as our fathers made when they were denied their natural rights and chartered privileges.

So much for that. It has quieted apprehension; and I hope that the artillery will not be brought here; that the militia will not be called out; and that the female schools will continue their sessions as heretofore. [Laughter.] The authority of Mr. Madison, however, was relied on by the senator from Tennessee; and he read fairly an extract from Mr. Madison's letter to Mr. Webster; and I give him credit for reading what it seems to me destroys his whole argument. It is this clause:

"The powers of the Government being exercised, as in other elective and responsible Governments, under the control of its constituents, the people, and the legislatures of the States, and subject to the revolutionary rights of the people in extreme cases."

Now, sir, we are confusing language very much. Men speak of revolution; and when they say revolution, they mean bloodshed. Our fathers meant nothing of the sort. When they spoke of revolution, they spoke of an inalienable right. When they declared as an inalienable right the power of the people to abrogate and modify their form of government whenever it did not answer the ends for which it was established, they did not mean that they were to sustain that by brute force. They meant that it was a right; and force could only be invoked when that right was wrongfully denied. Great Britain denied the right in the case of the colonies; and, therefore, our revolution for independence was bloody. If Great Britain had admitted the great American doctrine, there would have been no blood shed; and does it become the descendants of those who proclaimed this, as the great principle on which they took their place among the nations of the earth, now to proclaim, if that is a right, it is one which you can only get as the subjects of the Emperor of Austria may get their rights, by force overcoming force? Are we, in this age of civilization and political progress, when political philosophy has advanced to the point which seems to render it possible that the millennium should now be seen by prophetic eyes; are we now to roll back the whole current of human thought, and again to return to the mere brute force which prevails between beasts of prey, as the only method of settling questions between men?

If the Declaration of Independence be true, (and who here gainsays it?) every community may dissolve its connection with any other community previously made, and have no other obligation than that which results from the breach of any alliance between States. Is it to be supposed; could any man reasoning *a priori* come to the conclusion that the men who fought the battles of the Revolution for community independence—that the men who struggled against the then greatest military Power on the face of the globe in order that they might possess those inalienable rights which they had declared—terminated their great efforts by transmitting to prosperity a condition in which they could only gain those rights by force? If so, the blood of the Revolution was shed in vain; no great principles were established; for force was the law of nature before the battles of the Revolution were fought.

I see, then—if gentlemen insist on using the word "revolution" in the sense of a resort to force—a very great difference between their opinion and that of Mr. Madison. Mr. Madison put the rights of the people over and above everything else; and he said this was the government *de jure* and *de facto*. Call it what name you will, he understood ours to be a government of the people. The people never have separated themselves from those rights which our fathers had declared to be inalienable. They did not delegate to the Federal Government the powers which the British Crown asserted over the colonies; they did not achieve their independence for any purpose so low as that. They left us the inheritance of freemen; living in independent communities, the States united for the purposes which they thought would bless posterity. It is in the exercise of this reserved right as defined by Mr. Madison, as one to which all the powers of government are subject, that the people of a State in convention have claimed to resume the functions which in like manner they had delegated to the Federal Government.

I pass from the argument of this question, which I have previously said I did not intend to enter into at large, to ask, why is the right denied? It is part of the history of our times, it is part of the condition of the country, that the right is denied, because this conflict between sections, in which one was struggling for domination, the other for existence has been brought to the point where the dominant section insists that it will hold the other for its purposes; where it claims that we shall not go in peace nor remain with our rights; and if the attempt be made to hold that position by force, we accept the wager of battle.

Mississippi in her brief history claims to have shown at Pensacola and New Orleans something of the spirit of the freemen who achieved our independence. I was reared in a county where, when the soil of a neighboring State was invaded by a powerful foe, the draft was who should stay at home, not who should go. I also have the satisfaction to know that the present generation have not degenerated from the history of those who went before it. From many a bloody field, both in foreign and Indian war, has ascended the proud spirit of a Mississippian enshrined in glory, whence they look down upon us to vindicate the honorable fame of our State; and every heart beats true to the impulse of pride and the dictate of duty.

If this right were admitted, we should have less cause to exercise it than we have. If admitted, there would be less danger from a dominant section than there is, there would be

less tendency to use power, when it was acquired, to the injury of others. The denial of the right is a grievance inflicted on all who fear that power will be used for aggression. The concession of the right might delay its exercise, and at the same time would restrain the dominant section from abusing its power so as to drive others to resort to it. Why is the right denied? It is an impractical question at best. If you take us out of the history of our country, throw us into a broad discussion of the natural rights of man, we may answer by the facts which are being enacted. States have gone out, and what is the use of arguing their right? The only questions which remain are for yourselves: first, have you the right to coerce them back; and secondly, have you the power?

My friend from Louisiana, in closing his remarks, referred to the disastrous scenes which might be occasioned by the invasion of the South. He did not offer the other side of the picture; and yet I have seen that, in Northern papers, he has been criticised for saying even what he did. There is, however, another side to the picture. An army with banners would do but little harm in marching through a country of plantations. They would have but little power to subsist themselves in a sparsely-settled region. They would find it hard to feed the army with which they invaded, and would have no power to bring away prisoners and fugitives. How stands it on the other side? In a country of populous cities, of manufacturing towns, where population is gathered from the country into towns and villages, the torch and sword can do their work with dreadful havoc, and starving millions would weep at the stupidity of those who had precipitated them into so sad a policy.

We do not desire these things. We seek not the injury of any one. We seek not to disturb your prosperity. We, at least to a great extent, have looked to our agricultural labor as that to which we prefer to adhere. We have seen in the diversity of the occupations of the States the bond of Union. We have rejoiced in your prosperity. We have sent you our staples, and purchased your manufactured articles. We have used your ships for the purpose of transport and navigation. We have gloried in the extension of American commerce everywhere; have felt proud as yourselves in every achievement you made in art; on every sea that you carried your flag in regions to which it had hitherto not been borne; and, if we must leave you, we can leave you still with the good-will which would prefer that your prosperity should continue. If we must part, I say we can put our relations upon that basis which will give you the advantage of a favored trade with us, and still make the intercourse mutually beneficial to each other. If you will not, then it is an issue from which we will not shrink; for, between oppression and freedom, between the maintenance of right and submission to power, we will invoke the God of Battles, and meet our fate, whatever it may be.

I read, a short time ago, an extract from the speech of the Senator from Tennessee, which referred to the time when "we"—I suppose it means Tennessee—would take the position which it was said to be an absurdity for South Carolina to hold: how can the change of names thus affect the question, and who is to judge in the case? Tennessee still was put, in the same speech, in the attitude of a great objector against the exercise of the right of secession. Is there anything in her history which thus places her? Tennessee, born of secession, rocked in the cradle of revolution, taking her position before she was matured, and claiming to be a State because she had violently severed her connection with North Carolina through an act of secession and revolution, claimed to have become a State. I honor her for it. I honor the gallant old Sevier for maintaining the rights of which North Carolina attempted to deprive him, and I admire the talent which made recruits from every army which was sent to subdue him. Washington and Jackson, too, are often presented as authority against it—Washington, who led the army of the Revolution, Washington, whose reputation rests upon the fact that with the sword he cut the cord which bound the Colonies to Great Britain, they not having the justification of the sovereign attributes belonging to States; Washington, who presided when the States seceded from the Confederation, and formed the Union, in disregard of the claims of the States not agreeing to it; and Jackson, glorious old soldier, who, in his minority, upon the sacred soil of South Carolina, bled for the cause of revolution and the overthrow of a government which he believed to be oppressive, who through his whole life indicated the same cast of character, standing in an attitude which to-day would be called rebellion and treason, when he opposed the Federal Government, denied their power, contemned their orders to disband his troops, threatened to put any officer of the United States army in irons who came into his camp to recruit, and marched his force, the Tennessee militia, back from Washington, in Mississippi, to the place whence they had started. Bad authorities are these for our opponents—they are names under the shadow of which we can safely repose!

If we were reduced to arguing the question on the ground of expediency—if we had to convince the dominant section that it was good for them that their best customers should leave them—if we had to convince them that they should not any longer have the power to tax us—that they should not collect the revenue which fills the treasury and builds up their vast public works—I fear we should not succeed; but if they are sincere in believing that we are of no advantage to them—if they look upon the Southern States as a burden—if they think we require their protection—then we are ready to relieve them of the incumbrance.

The question which now presents itself to the country is, What shall we do with events as they stand? Shall we allow this separation to be total? Shall we render it peaceful, with a

view to the chance that when hunger shall brighten the intellects of men, and the teachings of hard experience shall have tamed them, they may come back, in the spirit of our fathers, to the task of reconstruction? Or will they have that separation partial; will they give to each State all its military power; will they give to each State its revenue power; will they still preserve the common agent; and will they thus carry on a government different from that which now exists, yet not separating the States so entirely as to make the work of reconstruction equal to a new creation; not separating them so as to render it utterly impossible to administer any functions of the Government in security and peace?

I waive the question of duality, considering that a dual executive would be the institution of a king-dog. I consider a dual legislative department would be to bring into antagonism the representatives of two different countries, to war perpetually, and thus to continue not Union, but the irrepressible conflict. There is no duality possible (unless there be two confederacies) which seems to me consistent with the interests of either or of both. It might be that two confederacies could be so organized as to answer jointly many of the ends of our present Union; it might be that States, agreeing with each other in their internal polity—having a similarity of interests and an identity of purpose—might associate together; and that these two confederacies might have relations to each other so close as to give them a united power in time of war against any foreign nation. These things are possibilities; these things it becomes us to contemplate; these things it devolves on the majority section to consider now; for with every motion of that clock is passing away your opportunity. It was greater when we met on the first Monday in December than it is now; it is greater now than it will be on the first day of next week. We have waited long; we have come to the conclusion that you mean to do nothing. In the committee of thirteen, where the resolutions of the Senator from Kentucky [Mr. CRITTENDEN] were considered, various attempts were made, but no prospect of any agreement on which it was possible for us to stand, in security for the future, could be matured. I offered a proposition, which was but the declaration of that which the Constitution announces: of that which the Supreme Court had, from time to time, and from an early period, asserted; of that which was necessary for equality in the Union. Not one single vote of the republican portion of that committee was given for the proposition.

Looking, then, upon separation as inevitable, not knowing how that separation is to occur, or at least what States it is to embrace, there remains to us, I believe, as the consideration which is most useful, the inquiry, how can this separation be effected so as to leave to us the power, whenever we shall have the will, to reconstruct. It can only be done by adopting a policy of peace. It can only be done by denying to the Federal Government all power to coerce. It can only be done by returning to the point from which we started, and saying, "This is a Government of fraternity, a Government of consent; and it shall not be administered in departure from those principles."

I do not regard the failure of our constitutional Union, as very many do, to be the failure of self-government: to be conclusive in all future time of the unfitness of man to govern himself. Our State governments have charge of nearly all the relations of person and property. This Federal Government was instituted mainly as a common agent for foreign purposes, for free trade among the States, and for common defence. Representative liberty may remain in the States after they are separated. Liberty was not crushed by the separation of the colonies from the mother country, then the most constitutional monarchy and the freest government known. Still less will liberty be destroyed by the separation of these States to prevent the destruction of the spirit of the Constitution by the mal-administration of it. There will be injury—*injury to all*; differing in degree, differing in manner. The injury to the manufacturing and navigating States will be to their internal prosperity. The injury to the Southern States will be mainly to their foreign commerce. All will feel the deprivation of that high pride and power which belong to the flag now representing the greatest Republic, if not the greatest Government upon the face of the globe. I would that it still remained to consider what we might safely have considered on the first Monday in December—how this could be avoided; but events have rolled past that point. You would not make propositions when they would have been effective. I presume you will not make them now; and I know not what effect they would have if you did. Your propositions would have been most welcome if they had been made before any question of coercion, and before any vain boasting of power; for pride and passion do not often take counsel of pecuniary interest, at least among those whom I represent, but you have chosen to take the policy of clinging to words, in disregard of events, and have listened them onward. It is true, as shown by the history of all revolutions, that they are most precipitated and intensified by obstinacy and vacillation. The want of a policy, the obstinate adherence to unimportant things, have brought us to a condition where I close my eyes, because I cannot see anything that encourages me to hope.

In the long period which elapsed after the downfall of the great republics of the East, when despotism seemed to brood over the civilized world, and only here and there constitutional monarchy, even, was able to rear its head; when all the great principles of republican, representative government had sunk deep, fathomless, into the sea of human events; it was then that the storm of our Revolution moved the waters. The earth, the air, and the sea became brilliant; and from the foun of ages rose the constellation which was set in the political firmament as a sign of unity in confederation and community independence, coexistent with confederate strength. That constellation has served to bless our people. Nay, more; its light

has been thrown on foreign lands, and its regenerative power will outlive, perhaps, the Government, as a sign for which it was set. It may be pardoned to me, sir, who, in my boyhood, was given to the military service, and who have followed under tropical suns, and over northern snows, the flag of the Union, suffering for it as it does not become me to speak. If I here express the deep sorrow which always overwhelms me when I think of taking a last leave of that object of early affection and proud association, feeling that henceforth it is not to be the banner which, by day and by night, I am ready to follow, to hail with the rising and bless at the setting sun. But God, who knows the hearts of men, will judge between you and us, at whose door lies the responsibility of this. Men will see the efforts I have made, here and elsewhere; that I have been silent when words would not avail, have curled and impatient temper, and hoped that conciliatory councils might do that which I knew could not be effected by harsh means. And yet the only response which has come from the other side has been a stolid indifference, as though it mattered not, "let the temple fall, we do not care." Sirs, remember that such conduct is offensive, and that men may become indifferent even to the objects of their early attachments.

If our Government shall fail, it will not be the defect of the system, though its mechanism was wonderful, surpassing that which the solar system furnishes for our contemplation; for it had no centre of gravitation; each planet was set to revolve in an orbit of its own, each moving by its own impulse, and all attracted by the affections which countervailed each other. It has been the perversion of the Constitution; it has been the substitution of theories of morals for principles of government; it has been forcing crude opinions about things not understood upon the domestic institutions of other men, which has disturbed these planets in their orbit; it is this which threatens to destroy the constillation which in its power and its glory, had been gathering one after another until, from thirteen, it had been risen to thirty-three stars.

If we accept the argument of to day in favor of coercion as the theory of our Government, its only effect will be to precipitate men who have pride and self-reliance into the assertion of the freedom and independence to which they were born. Our fathers would never have entered into a confederate Government which had within itself the power of coercion. I would not agree to remain one day in such a Government after I had the power to get out of it. To argue that a man who follows the mandate of his State, resuming her sovereign jurisdiction and power, is disloyal to his allegiance to the United States, which allegiance he only owed through his State, is such a confusion of ideas as does not belong to an ordinary comprehension of our Government. It is treason to the principle of community independence. It is to recur to that doctrine of passive obedience which, in England, cost one monarch his head, and drove another into exile; a doctrine which, since the revolution of 1688, has obtained nowhere where men speak the English tongue; and yet all this it is needful to admit before we accept this doctrine of coercion, which is to send an army and a navy to do that which there are no courts to perform; to execute the law without a judicial decision, and without an officer to serve process. This, I say, would degrade us to the basest despotism under which man could live; the despotism of a many-headed monster, without the sensibility or regardful consideration which might belong to a hereditary king.

But the Senator found from somewhere, I believe Georgia, a newspaper article which suggested a preference for a constitutional monarchy. Does the Senator believe there is any considerable number of people in any of the States who favor the establishment of a constitutional monarchy? If so, let me at once, speaking with that assurance which is given to me by those knowing more of that people than myself, say that the apprehension is vain. I am sure that the same feeling prevails in that State as my own; the same which exists in his State of Tennessee; and in each of them there are many like the Lucins Junius,

"——— that would have brooked  
The eternal Devil to keep his state in Rome,  
As easily as a King."

**Mr. IVERSON.** As allusion has been made by the Senator from Mississippi to an article which appeared in a paper in my own town, and about which a good deal of noise has been made, and which was referred to by the Senator from Tennessee, in his celebrated speech, the other day, as evidence that there was a party in the South in favor of a constitutional monarchy, I take the liberty to say that that was a communication merely to the paper, and that it slipped in without the knowledge and consent of the proprietors of the paper: and in the very next paper the editors disclaimed and denounced it. I will take the opportunity to say, in conjunction with what the Senator from Mississippi has said, that there is not one man in a million, as far as I know and believe, in the State of Georgia, or elsewhere in the South, who would be in favor of any such principle.

**Mr. DAVIS.** If, Mr. President, a paper containing such a doctrine could subsist upon subscription anywhere in the United States, I should esteem it nearly as bad an indication as the adoption of the doctrine of slavish submission; and either the one or the other I should consider a far worse sign of man's incapacity to govern himself than any which is presented by the resumption of the grants that a State has made. I have no idea that there is any such feeling within the limits of the Southern States.

There are two modes, however, of dissolving the Union. One alone has been contemplated. It was that which proceeded from States separating themselves from those to whom they are

united. There is another. It is by destroying the Constitution ; by pulling down the political temple ; by forming a consolidated government. Union, in the very meaning of the word, implies the junction of separate States. Consolidation would be the destruction of the Union, and far more fatal to popular liberty than the separation of the States. But, if fanaticism and sectionalism, like the blind giant of old, shall seize the pillars of the temple to tear them down, in order that they may destroy its inmates, it but remains for us to withdraw ; and it will be our purpose to commence the erection of another on the same plan on which our fathers built this. We share no such common ruin as falls upon a people by consolidation and destruction of the principles of liberty contained in the Constitution ; by interference with community and social rights ; and we go out of such a government whenever it takes that form in accordance with the Constitution, and in defiance of the principles on which that Constitution rests. We have warned you for many years that you would drive us to this alternative, and you would not heed. I believe that you still look upon it as a mere passing political move, or as a device for some party end, knowing little of the deep struggle with which we have contemplated this as a necessity, not as a choice, when we have been brought to stand before the alternative—the destruction of our community independence, or the destruction of that Union which our fathers made. You would not heed us. You deemed our warning to be merely to the end of electing a candidate for the miserable spoils of office, of which I am glad to say I represent a people who have had so little, indeed, that they have never acquired an appetite for them. Yet you have believed—not looking to the great end to which our eyes were directed—that it was a mere political resort, by which we would intimidate some of your own voters. You have turned upon those true friends of ours at the North who have vindicated the Constitution and pointed out to you the danger of your course, and held them responsible for the censure you received, as though you had not in fact aggrieved : even at this session, after forty years of debate, you have asked us what was the matter.

Your platform on which you elected your candidate, denies us equality. Your votes refuse to recognize our domestic institutions which pre-existed the formation of the Union—our property which was guarded by the Constitution. You refuse us that equality without which we should be degraded if we remained in the Union. You elect a candidate upon the basis of sectional hostility ; one who in his speeches, now thrown broadcast over the country, made a distinct declaration of war upon our institutions. We care not whether that war be made by armies marching for invasion, whether it be by proclamation, or whether it be by indirect and covert process. In both modes, however, you have declared your hostility. The leading members of that party, some of them now before me, making speeches in various portions of the country, during the last summer, even after the election was over, when no purpose of the canvass remained still to excite them, announcing the triumph which had been achieved as the downfall of our domestic institutions ; and still you ask us to make specification, to file an indictment, as though we intended to arraign you before a magistrate's court. Our fathers united with yours on the basis of equality, and they were prompted to form a union by the fraternity which existed between them. Do you admit that equality ? Do you feel that fraternity ? Do your actions show it ! They united for the purpose not only of domestic tranquillity, but for common defence ; and the debates in the convention which formed the Constitution set forth that the navigating and manufacturing interests of one section, and the better defence in the other, were the two great objects which drew them together. Are you willing now to fulfil the conditions on which our fathers agreed to unite ?

When you use figurative language, its harshness indicates the severity of your temper, and the bitterness of your hate. When you talk about having your heel on the slave power and grinding it into dust ; when you talk about the final triumph ; when you talk about the extinction of slavery, an institution with which you have nothing to do, and of which you know nothing ; this the fraternity, is this the Union, to which we were invited ? Is that an administration of the Government under which we can live in safety ? Is this a condition of things to which men, through whose veins flow the blood of the Revolution, can stoop, without acknowledging that they had sunk from their birthright of freedom to become slaves ?

I care not to read from your platform ; I care not to read from the speeches of your President elect. You know them as I do ; and the man who is regarded all over this country as the directing intellect of the party to which he belongs, the Senator from New York, [Mr. SEWARD] has, with less harshness of expression than others, but with more of method, indicated this same purpose of deadly hostility in every form in which it could be portrayed. Did we unite with you in order that the powers of the General Government should be used for destroying our domestic institutions ? Do you believe that now, in our increased and increasing commercial as well as physical power, we will consent to remain united to a Government exercised for such a purpose as this ?

What boots it to tell me that no direct act of aggression will be made ? I prefer direct to indirect, hostile measures which will produce the same result. I prefer it, as I prefer an open to a secret foe. Is there a Senator upon the other side who to-day will agree that we shall have equal enjoyment of the Territories of the United States ? Is there one who will deny that we have equally paid in their purchases, and equally bled in their acquisition in war ? Then is this the observance of your compact ; whose is the fault if the Union be dissolved ? Is there one of you who controverts either of these positions ? Then I ask do you give

us justice; do we enjoy equality? If we are not equals, this is not the Union to which we were pledged; this is not the Constitution you have sworn to maintain, nor this the Government we are bound to support.

There is much, too, which is exceedingly offensive in the speculations you make upon our servants when you talk about negro insurrection. Governments have tampered with slaves; bad men have gone among the ignorant and credulous people, and incited them to murder and arson; but of themselves—moving by themselves—I say history does not chronicle a case of negro insurrection. San Domingo, so often referred to, and so little understood, is not a case where black heroes rose and acquired a Government. It was a case in which the French Government, trampling upon the rights and the safety of a distant and feeble colony by sending troops among them, brought on a revolution, first of the mulattoes, and afterwards of the blacks. Their first army was not able to effect this. It required a second one, and that army to be quartered on the plantations; nay, after all, it required that the masters should be arrested on the charge of treason and taken to France, before the negroes could be aroused to insurrection.

Do you wonder then that we pause when we see this studied tendency to convert the Government into a military despotism? Do you wonder that we question the right of the President to send troops to execute the laws wherever he pleases? When we remember the conduct of France, and that those troops were sent with like avowal, and quartered on plantations, and plotters arrested for treason—just such charges as are made to-day against Southern men—and brought away, that insurrection might be instigated among their slaves?

I seek not to exasperate or to intensify the causes of difficulty. It is right that we should understand each other. I thought we had done so before, and was surprised to hear the question asked, "what is the matter?" The last canvass, I thought, had expressed the feelings and the opinions of the Southern States. The State of Mississippi gave warning in solemn resolutions passed by her Legislature. Those resolutions were printed elsewhere, and were generally known. She declared her purpose to take counsel with her Southern sister States whenever a President should be elected on the basis of a sectional hostility to them. With all this warning, you paused not. The quarrel is not of our making. Our hands are stainless. You aggress upon our rights and our homes, and under the will of God, we will defend them.

There is a strange similarity in the position of affairs at the present day to that which the Colonies occupied. Lord North asserted the right to collect the revenue, and insisted on collecting it by force. He sent troops to Boston harbor and to Charleston; he quartered troops in those towns. The result was collision, and out of that collision came the separation of the Colonies from the mother country. The same thing is being attempted to-day. Not the law, not the civil magistrate, but troops are relied upon now to execute the laws. To gather taxes in the Southern ports, the army and navy must be sent to perform the functions of magistrates. It is the old case over again. Senators of the North, you are re-enacting the blunders which statesmen in Great Britain committed; but among you there are some who, like Chatham and Burke, though not of our section, yet are vindicating our rights.

I have heard with some surprise, for it seemed to me idle, the repetition of the assertion heretofore made, that the cause of the separation was the election of Mr. Lincoln. It may be a source of gratification to some gentlemen that their friend is elected; but no individual had the power to produce the existing state of things. It was the purpose, the end; it was the declarations by himself and his friends which constitute the necessity for providing new safeguards for ourselves. The man was nothing, save as he was the representative of opinions, of a policy, of purposes, of power, to inflict upon us those wrongs to which freemen never tamely submit.

Senators, I have spoken longer than I desired. I had supposed it was possible, avoiding argument and not citing authority, to have made to you a very brief address. It was thought useless to argue a question which now belongs to the past. The time is near at hand when the places which have known us as colleagues laboring together can know us in that relation no more forever. Unsuccessfully, and I regret it, have I striven to avert this impending catastrophe. For the few days which I may remain, I will labor that that catastrophe shall be as little as possible destructive to public peace and prosperity. If you desire at this last moment to avert civil war, so be it; it is better so. If you will but allow us to separate from you peacefully, since we cannot live peacefully together, to leave with the rights we had before we were united, since we cannot enjoy them in the Union, then there are many relations which may still subsist between us, drawn from the associations of our struggles from the revolutionary era to the present day, which may be beneficial to you as well as to us.

If you will not have it thus, if in the pride of power, if in contempt of reason and in reliance of upon force, you say we shall not go, but shall remain as subjects to you, then, gentlemen of the North, a war is to be inaugurated, the like of which men have not seen. Sufficiently numerous on both sides, in close contact with only imaginary lines of division, and with many means of approach, each sustained by productive sections, the people of which will give freely both of money and of store, the conflicts must be multiplied indefinitely; and masses of men sacrificed to the demon of civil war, will furnish hecatombs, such as the recent campaign in Italy did not offer. At the end of all this, what will you have effected? Destruction upon both sides; subjugation upon neither; a treaty of peace leaving both torn and bleeding; the wail of the widow and the cry of the orphan substituted for those peaceful

notes of domestic happiness that now prevail throughout the land; and then you will agree that each is to pursue his separate course as best he may. This is to be the end of war. Through a long series of years you may waste your strength, distress your people, and get at last to the position which you might have had at first, had justice and reason, instead of selfishness and passion, folly and crime, dictated your course.

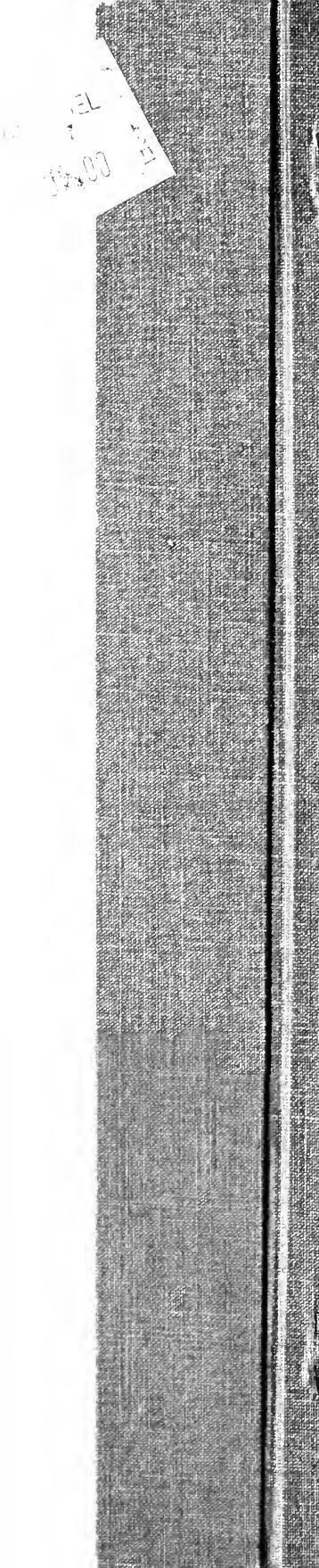
Is there wisdom, is there patriotism in the land? If so, easy must be the solution of this question. If not, then Mississippi's gallant sons will stand like a wall of fire around their State; and I go hence, not in hostility to you, but in love and allegiance to her, to take my place among her sons, be it for good or for evil.

I shall probably never again attempt to utter here the language either of warning or of argument. I leave the case in your hands. If you solve it not before I go, you will have still to decide it. Towards you individually, as well as to those whom you represent, I would that I had the power now to say there shall be peace between us forever. Would that I now say the intercourse and the commerce between the States, if they cannot live in one Union, shall still be uninterrupted; that all the social relations shall remain undisturbed; that the son in Mississippi shall visit freely his father in Maine, and the reverse; and that each shall be welcomed when he goes to the other, not by himself alone, but also by his neighbors, and that all that kindly intercourse which once subsisted between the different sections of the Union shall continue to exist. It is not only for the interest of all, but it is my profoundest wish, my sincerest desire, that such remnant of that which is passing away may grace the memory of a glorious, though too brief, existence.

Day by day you have become more and more exasperated. False reports have led you to suppose there was in our section hostility to you evinced by manifestations which did not exist. In one case, I well remember, when the senator from Vermont [Mr. COLLAMER] was serving with me on a special committee, it was reported that a gentleman who had gone from a commercial house in New York had been very inhumanly treated at Vicksburg, and this embarrassed a question which we then had pending. I wrote to Vicksburg for information, and my friends could not learn that such a man had ever been there; but, if he had been there, no violence certainly had been offered to him. Falsehood and suspicion have thus led you on step by step in the career of crimination, and perhaps has induced to some part of your aggression. Such evil effects we have heretofore suffered, and the consequences now have their fatal culmination. On the verge of war, distrust and passion increase the danger. To-day it is in the power of two bad men, at the opposite ends of the telegraphic line between Washington and Charleston, to precipitate the State of South Carolina and the United States into a conflict of arms without other cause to have produced it.

And still will you hesitate; still will you do nothing. Will you sit with sublime indifference and allow events to shape themselves? No longer can you say the responsibility is upon the Executive. He has thrown it upon you. He has notified you that he can do nothing. And you therefore know he will do nothing. He has told you the responsibility now rests with Congress; and I close as I began, by invoking you to meet that responsibility, bravely to act the patriot's part. If you will, the angel of peace may spread her wings, though it be over divided States; and the sons of the sires of the Revolution may still go on in friendly intercourse with each other, ever renewing the memories of a common origin; the sections, by the diversity of their products and habits, acting and reacting beneficially, the commerce of each may swell the prosperity of both, and the happiness of all be still interwoven together. Thus may it be; and thus it is in your power to make it. [Applause in the galleries.]





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